

FOOD STAMP PROGRAM REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO:
☐ Policy/Regulation Interpretation
☐ QC
☒ Fair Hearing
☐ Immediate Need/Emergency Services
☐ Other:

5. DATE OF REQUEST: 7-14-12
 NEED RESPONSE BY: As soon as possible

6. COUNTY/ORGANIZATION: Stanislaus

7. SUBJECT: household determination

2. REQUESTOR NAME: Carole W. Harper, ALJ - DSS

8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)
 NOTE: All requests must have a regulation cite(s) and/or a reference(s).

3. PHONE NO.: 916-651-0927

4. REGULATION CITE(S): §§63-508.67 and .671

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The claimant applied for CF benefits on February 7, 2012 as a hh of one person, though he reported living with his girlfriend. He stated that she had separate fs hh status. On March 21, 2012 the cl came to the county office to add girlfriend and her children to his case. Completed forms to add one of girlfriend's children, a US citizen. Girlfriend and older daughter ineligible due to alien status. County added eligible child. Cl and girlfriend completed and signed QR7 on April 2, 2012, both reporting earned income. QR7 was incomplete and cl subsequently submitted verification of income on April 25. On April 25 cl came into office very upset that he was going to be ineligible for fs due to combined incomes. Stated they purchase and prepare separately. Cl filed state hearing request May 4. On May 10, the county issued a noa determining hh of 2 persons ineligible due to gross income in excess of max for 2. At hearing June 26 girlfriend testified that their arrangements changed "about 2 months ago" and they began to purchase and prepare separately.

10. REQUESTOR'S PROPOSED ANSWER:

Because the cl requested to add girlfriend and children to his case and did so within data month, the county was correct to discontinue his benefits effective May 31, 2012 (did not have 10 days to discontinue May 1 after April 25 late completion of QR7). The cl stated on April 25 that they were not a single hh but two separate hhs. This information was not received in the Payment Quarter. My questions are, what is the status of information received in the Report month? Is it not a voluntary mid quarter report? Did the cl have to take some action to remove the girlfriend from his case, after adding her to his case? Should the county have acted on his verbal statement that, at least as of April 26, they purchase and prepare separately? If the county should have accepted his statement as a voluntary mid quarter report, when would this change in status take effect?

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE (FSPIU USE ONLY):

The verbal report by the client (on April 25) that he and his house-mate were resuming the purchasing and preparing of food separately should have been treated as a voluntary mid-quarter report. As such, the house-mate's daughter should have been removed from his household effective May 31. Effective June 1 the client should have received benefits for a household of one and only the client's income should have been used prospectively in the determination of his allotment.

FOR FRAT USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY:

DATE FORWARDED TO STATE:

